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PATENT
Attorney Docket No. 026595-006400US

TOWNSEND and TOWNSEND and CREW LLP

By: /s/ Jamie Pickles/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert Degen, et al.

Application No.: 10/091,000

Filed: March 4, 2002

For: MONEY TRANSFER
EVALUATION SYSTEMS AND
METHODS

Confirmation No. 6763

Examiner: Cristina O. Sherr

Technology Center/Art Unit: 3685

APPELLANTS' REPLY BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This Reply Brief is submitted in response to the Examiner's Answer mailed on December 24, 2009. The following remarks are intended to further focus the issues in this appeal.

For convenience, the following remarks are arranged in accordance with the "(10) Response to Arguments" section of the Examiner's Answer.

First Issue

The Examiner again cites to Stewart's comparison of customer data with a restricted list published by the United States Treasury Department. *Examiner's Answer*, p. 15. The Examiner justifies this comparison as teaching or suggesting the creation of a reference designator by stating:

It is obvious that in checking against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain "names" or other information on the list. The customer data, names /foreign translations, etc are all reference designators. Just as one transaction may be lined up with a name on the said restricted list, so may two or more. Further, it is only the transactions that have somehow "clicked" with the list that get analyzed.

Examiner's Answer, p. 15. While the Examiner refers to Stewart's comparison of customer data to a published list as teaching or suggesting reference designators, because "customer data, names /foreign transactions, etc are all reference designators," this misses the Appellant's argument. *Id.* The reference designator of claim 1 is created in association with a first sender identification and a second sender identification, wherein the first sender identification and second sender identification are related to a first and second money transfer request, respectively. In Stewart, *no reference designator is created based on an analysis of identifications from different money transfer requests.*

Second Issue

The Examiner again appears to have missed the Appellant's argument. Claim 1 refers to *multiple money transfer requests*. Stewart merely discusses the opening of one or more "account openings." Further, this account opening information is not used for any form of comparison or analysis with other account openings.

Third Issue

The Examiner repeats his citation to Stewart for disclosing a check of customer data against restricted lists published by the United States Treasury Department Office of Foreign Assets Control to maintain OFAC compliance. *Examiner's Answer*, p. 16. The Examiner states: "It is obvious that in check against a list, kept by the United States Treasury Department, you are lining up certain transaction with certain 'names' or other information on the list." *Id.*

Claim 1 does not involve the comparison of customer data to an established list. Rather, claim 1 involves a first sender identification from a first money transfer *request* and a second sender identification from a second money transfer *request* being indicated as related. Whereas two *requests* are being indicated as related in claim 1, the OFAC list of Stewart is a comparison of customer data to a list. The Examiner's Answer continues on to state: "Just as one transaction may be lined up with a name on the said restricted list, so may two or more." *Id.* But, again, this is not what is occurring in claim 1. One (or more than one) piece of information are not being compared to a list. Rather, *sender identification from multiple requests are being analyzed to determine if they are related.*

Fourth Issue

The Examiner is interpreting the terms "suspicious/suspect" and "fraudulent/fraud" to be "functionally the same." *Examiner's Answer*, p. 17. Appellant disagrees. Suspicious transactions may be monitored to prevent activities such as money laundering, terrorist activities, organized crime from occurring. However, a fraudulent transaction refers to "intentional perversion of truth in order to induce another to part with something of value . . ." *Merriam-Webster*, "Fraud," available at <http://www.merriam-webster.com/dictionary/fraud>. Therefore, party performing a suspicious transaction does not necessarily equate to a fraudulent transaction. For example, a person could attempt to transfer money for terrorist activities, but may not be conducting a fraudulent transfer because he is using his name and other personal information.

Further, it is unclear how a "search [that] includes enhanced name/foreign translation mapping to provide matching capabilities with low false-positive responses" may be fairly read as teaching, suggesting or otherwise proving obvious any of the seven various types of money transfers recited in claim 1. This is especially unclear considering that the Examiner's Answer admits that "Stewart does not specifically refer to criteria used in the instant application when determining that a transaction is suspect. *Examiner's Answer*, p. 17.

In light of the foregoing, Appellant believes claim 1 to be in condition for allowance. Further, independent claims 16, 17, 23, 24, and 27 contain similar recitations and are in condition for allowance for similar reasons.

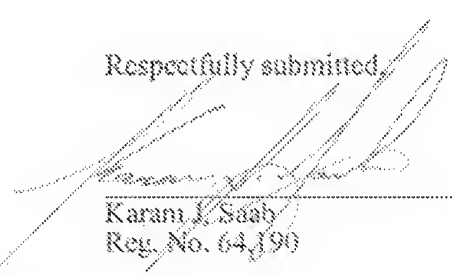
Remaining Issues

Appellant maintains that the arguments asserted in the Appellants' Brief overcome the Examiner's arguments presented in the Final Office Action and the Examiner's Answer.

Conclusion

For these reasons, it is respectfully submitted that the rejection should be reversed. The Appellants maintain the propriety of the remaining arguments presented in the Appellant's Brief.

Respectfully submitted,



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